

ATTORNEY DOCKET NO.: 057309-5004-US02

In re: CONTINUATION Patent Application of:)

BARGATZE, et al.

Prior Application No.: 09/068,935

) Group Art Unit: 1644

Prior Filing Date: November 23, 1998

Filed: February 19, 2004

) Examiner: P. Gambel, Ph.D.

For: THERAPEUTIC AND DIAGNOSTIC)
AGENTS FOR THE TREATMENT OF)
MICROBIAL INFECTIONS)

Commissioner for Patents

U.S. Patent and Trademark Office

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INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Forms PTO-1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Applicants respectfully request that the references previously submitted in parent Application No. 09/068,935 be made a part of this application and considered accordingly.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such

document. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R.


§ 1.136(a)(3).

Respectfully Submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: February 19, 2004

By:


Bonnie Weiss McLeod
Reg. No. 43,255

Customer No. 09629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Ave., N.W.

Washington, D.C. 20004

202-739-3000 (Phone)

202-739-3001 (Fax)

FORM PTO-1449 (modified)
To: U.S. Department of Commerce
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Patent and Trademark Office

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Client Ref.

057309-5004-US02

LPI#9

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Applicant: BARGATZE ET AL

Appln. No.: Continuation of 09/068,935

Filing Date: February 19, 2004

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Page

1

of

2

Examiner: Gambel, Ph.D.

Group Art Unit: 1644

U.S. PATENT DOCUMENTS

Examiner's Initials*	Document Number	Date MM/YYYY	Name (Family Name of First Inventor)	Class	Sub Class	Filing Date (if appropriate)
	AR 5,460,945	10/1995	Springer et al.	435	7.24	
	BR 5,523,238	06/1996	Varon et al.	436	69	
	CR 5,578,309	11/1996	Cutler et al.	424	274.1	
	DR 5,599,688	02/1997	Grass et al.	435	29	
	ER 5,962,422	10/1999	Nagy et al.	514	25	
	FR 5,985,852	11/1999	Nagy et al.	514	54	
	GR 5,081,034	01/1992	Bevilacqua et al.			

FOREIGN PATENT DOCUMENTS

	Document Number	Date MM/YYYY	Country	Inventor Name	English Abstract		Translation Readily Available	
					Enclosed	No	Enclose	No
	HR WO 94/05269	03/1994		Heavner et al.				
	IR WO 92/02817	02/1992		Krivan et al.				

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JR	Bargatze et al., J. Immunol., 152:5814-5825 (1994)							
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LR	Berg et al., Nature, 366:695-698 (1993)							
MR	Brawner et al., Infect. Immun., 51:327-336 (1986)							
NR	Busscher et al., Methods in Enzymology, 253:455-476 (1995)							
OR	Butcher et al., Science, 272:60-66 (1996)							
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RR	Favre-Bonte et al., Infect. Immun., 63:1318-1328 (1995)							
SR	Fratamico et al., J. Med. Micro., 39:371-381 (1993)							
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VR	Han et al., Infect. Immun., 63:2714-2719 (1995)							
WR	Hazen et al., J. Microbiol. Methods, 6:289-299 (1987)							
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YR	Junkins et al., Curr. Microbiol., 19:21-27 (1989)							
ZR	Jutila, Adv. Pharmacol., 25:235-262 (1994)							

Examiner

Date Considered:

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449 (modified)
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Appln. No.: Continuation of 09/068,935

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Page

2

of

2

Examiner: Gambel, Ph.D.

Group Art Unit: 1644

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DR	Low et al., J. Immunol. Methods, 194:59-70 (1996)				
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TR	Torosantucci et al., J. Gen. MicroBiol., 136:1421-1428 (1990)				
UR	Yu et al., Infect. Immun., 62:2834-2842 (1994)				
VR	Montana Immuno Tech, Inc. Brochure, "Advanced Technology for Providing the Ideal Physiological Analysis (published after Jan. 1, 1996)				
WR	Cover page from Science, 272:1-164 (1996) and accompanying description				

Examiner

Date Considered:

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